

Andrew G. Deiss (7184)
Corey D. Riley (16935)
DEISS LAW PC
10 West 100 South, Suite 425
Salt Lake City, Utah 84101
Tel: (801) 433-0226
Fax: (801) 386-9894
adeiss@deisslaw.com
criley@deisslaw.com
Attorneys for the Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

SMASH TECHNOLOGY, LLC, a Nevada
limited liability company; and MICHAEL
ALEXANDER, an individual;

Plaintiffs,

vs.

SMASH SOLUTIONS, LLC, a Delaware
limited liability company; JERRY “J.J.”
ULRICH, an individual; SMASH
INNOVATIONS, LLC, a Wyoming
limited liability company; FERACODE,
LLC, a Utah limited liability company;

Defendants.

SMASH SOLUTIONS, LLC, a Delaware
limited liability company; and JERRY
“J.J.” ULRICH, an individual;

Counterclaim Plaintiffs,

vs.

SMASH TECHNOLOGY, LLC, a Nevada
limited liability company; and MICHAEL
ALEXANDER, an individual,

Counterclaim Defendants.

Case No. 2:19-cv-00105-TC

Judge Tena Campbell
Chief Magistrate Judge Paul M. Warner

**THIRD AMENDED SCHEDULING
ORDER**

Before the court is Plaintiffs' Short Form Discovery Motion to Amend Scheduling Order ("Motion"). For good cause shown, the court hereby GRANTS the Motion and ORDERS the dates in the Scheduling Order to be amended and scheduled as set forth below. The times and deadlines set forth herein may not be modified without the approval of the court and on a showing of good cause pursuant to Fed. R. Civ. P. 6.

1.	PRELIMINARY MATTERS	DATE
	<p>Nature of claims and any affirmative defenses:</p> <p><i>Plaintiffs' claims against Defendants are as follows: (1) injunctive relief, (2) breach of contract, (3) breach of the covenant of good faith and fair dealing, (4) unjust enrichment, (5) intentional interference with economic relations, (6) false advertising and false designation of origin, (7) unfair competition, (8) deceptive trade practices, (9) declaratory judgment, (10) equitable accounting, (11) conversion, and (12) misappropriation of trade secrets.</i></p> <p><i>Defendants will assert applicable defenses, affirmative defenses, and/or counterclaims within the time frames prescribed by this Order and the Federal Rules of Civil Procedure.</i></p>	
	a. Date the Rule 26(f)(1) conference was held?	<u>3/25/19</u>
	b. Have the parties submitted the Attorney Planning Meeting Report?	<u>3/25/19</u>
	c. Deadline for 26(a)(1) initial disclosures	<u>5/3/19</u>
2.	DISCOVERY LIMITATIONS	NUMBER
	a. Maximum number of depositions by Plaintiff(s):	<u>15</u>
	b. Maximum number of depositions by Defendant(s):	<u>15</u>

	c. Maximum number of hours for each deposition (unless extended by agreement of parties):	<u>7</u>
	d. Maximum interrogatories by any party to any party:	<u>25</u>
	e. Maximum requests for admission by any party to any party:	<u>25</u>
	f. Maximum requests for production by any party to any party:	<u>50</u>
	g. The parties shall handle discovery of electronically stored information as follows: The parties do not anticipate any unusual circumstances regarding electronically stored information that would necessitate a special provision. All electronically stored information will be produced via file share service, DropBox, flash drive, or other similar facility. The Standard Protective Order adopted by DUCivR 26-2 will apply to the exchange of electronically stored information.	
	h. The parties shall handle a claim of privilege or protection as trial preparation material asserted after production as follows: <i>Include provisions of agreement to obtain the benefit of Fed. R. Evid. 502(d).</i>	
	i. Last day to serve written discovery:	<u>6/10/20</u>
	j. Close of fact discovery:	<u>7/23/20</u>
	k. (optional) Final date for supplementation of disclosures and discovery under Rule 26(e):	<u>7/23/20</u>
4.	RULE 26(a)(2) EXPERT DISCLOSURES & REPORTS	DATE
	Disclosures (subject and identify of experts)	
	a. Party(ies) bearing burden of proof:	<u>8/4/20</u>
	b. Counter disclosures:	<u>8/25/20</u>
	Reports	
	a. Party(ies) bearing burden of proof:	<u>11/4/20</u>

	b. Counter reports:	<u>12/2/20</u>
5.	OTHER DEADLINES	DATE
	a. Last day for expert discovery:	<u>1/20/21</u>
	b. Deadline for filing dispositive or potentially dispositive motions:	<u>2/18/21</u>
	c. Deadline for filing partial or complete motions to exclude expert testimony:	<u>2/18/21</u>
6.	SETTLEMENT/ALTERNATIVE DISPUTE RESOLUTION	DATE
	d. The parties will complete private mediation/arbitration by:	<u>7/23/20</u>

7.	TRIAL AND PREPARATION FOR TRIAL	TIME	DATE
	a. Rule 26(a)(3) pretrial disclosures		
	Plaintiffs(s):		
	Defendant(s):		
	b. Objections to Rule 26(a)(3) disclosures (if different than 14 days provided in Rule)		
	c. Special Attorney Conference on or before:		
	d. Settlement Conference on or before:		
	e. Final Pretrial Conference		
	Jury Trial		

IT IS SO ORDERED.

DATED this ____ day of April, 2020

BY THE COURT:

Paul M. Warner
Chief United States Magistrate Judge